

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:98-cr-81

- vs -

: District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

KEITH W. DEWITT,

:

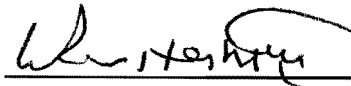
Defendant. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #444), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Amended Motion to Vacate under 28 U.S.C. § 2255 is DENIED with prejudice. Defendant is also DENIED leave to appeal *in forma pauperis* and any request for certificate of appealability.

December 6, 2010.



Walter Herbert Rice
United States District Judge